



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

Applicant: Scott R. Grodevant

Serial No.: 09/966,043

Confirmation No: 4278

Filed: 09/28/2001

For: AUTOMATIC GAIN CONTROL FOR A CONFOCAL IMAGING
SYSTEM

Examiner: Timothy J. Henn

Art Unit: 2612

Atty Docket: ML-0518CV



DECLARATION UNDER 37 C.F.R. 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

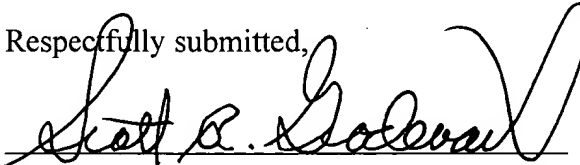
Scott R. Grodevant declares that he is the inventor of the above-identified application, and that the invention of the application was conceived in the U.S. before the September 12, 2000 effective date of U.S. Patent No. 6,782,063 (Stevenson et al.). Enclosed is a copy of a document I prepared entitled VivaScope AGC Disclosure dated March 17, 2000. This document describes the automatic gain control circuit of the application for determining the number of pixels which are bright and dim in an image based on upper and lower thresholds, respectively, and controlling an illumination source in accordance with such number of pixels bright and dim. The document was provided to Kenneth J. LuKacher, the patent attorney who assisted in preparation of the U.S. Provisional Patent Application No. 60/237,105, filed September 29, 2000. The document thus shows conception of the invention prior to the effective date of the Stevenson et al. patent, and due diligence to the September 29, 2000 filing date of above cited Provisional Application to which the above-identified application claims priority.

I further declare that all statements made here in of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that the statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date:

9/30/05



Scott R. Grodevant